

REMARKS

Claims 1-66 are pending in this application. Claims 4, 6, 7, 9, 10, 27, 30-33, 40, 42, 44, 46 and 63 have been canceled without prejudice, claims 1, 24, 37 and 60 have been amended and new claims 67-78 have been added by the present Amendment. Amended claims 1, 24, 37 and 60 and new claims 67-78 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 102

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Reconsideration is respectfully requested of the rejection of claims 1-3, 5, 11-13, 15, 19-22, 37-39, 41, 45, 47-49, 51 and 55-58 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,864,945 ("Fujimori"), claims 4, 6, 9-10, 40, 42 and 46 having been canceled. Applicants respectfully submit that amended claims 1 and 37 and the claims dependent thereon are not anticipated by Fujimori.

Applicants respectfully submit that Fujimori does not disclose the limitations of amended claims 1 and 37, especially the second electrode (e.g., reflection electrode 170) electrically connected to the first electrode (e.g., transmission electrode 150) in the window (e.g., window 165).

In contrast, Fujimori discloses a reflection section 2a electrically connected to a

transmission electrode 2b in the contact hole 3a. See, e.g., Fujimori, Figs. 2-5; col. 8, lines 16-18.

Therefore, Applicants respectfully submit that independent claims 1 and 37 are not anticipated by Fujimori and are in condition for allowance.

Also, claims 2-3, 5, 11-13, 15 and 19-22 and claims 38-39, 41, 45, 47-49, 51 and 55-58 respectively depend from claims 1 and 37, which, for the reasons stated hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 2-3, 5, 11-13, 15 and 19-22 and claims 38-39, 41, 45, 47-49, 51 and 55-58 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 5, 11-13, 15, 19-22, 37-39, 41, 45, 47-49, 51 and 55-58 under 35 U.S.C. § 102(e), claims 4, 6, 9-10, 40, 42 and 46 having been canceled.

Reconsideration is respectfully requested of the rejection of claims 1-3, 5, 8, 11-15, 17, 18, 23, 37-39, 41, 43, 45, 47-51, 53, 54 and 59 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,295,109 ("Kubo"), claims 4, 6-7, 9-10, 40, 42, 44 and 46 having been canceled. Applicants respectfully submit that amended claims 1 and 37 and the claims dependent thereon are not anticipated by Kubo.

Applicants respectfully submit that Kubo does not disclose the limitations of amended claims 1 and 37, especially the second electrode (e.g., reflection electrode 170) electrically connected to the first electrode (e.g., transmission electrode 150) in the window (e.g., window 165).

In contrast, Kubo discloses a reflective electrode 61 electrically connected to the transmissive electrode 58a through the contact hole 63 to expose the connecting metal

layer 59d. See, e.g., Fig. 26A of Kubo.

Therefore, Applicants respectfully submit that independent claims 1 and 37 are not anticipated by Kubo and are in condition for allowance.

Also, claims 2-3, 5, 8, 11-15, 17, 18 and 23 and claims 38-39, 41, 43, 45, 47-51, 53, 54 and 59 respectively depend from claims 1 and 37, which, for the reasons stated hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 2-3, 5, 8, 11-15, 17, 18 and 23 and claims 38-39, 41, 43, 45, 47-51, 53, 54 and 59 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 5, 8, 11-15, 17, 18, 23, 37-39, 41, 43, 45, 47-51, 53, 54 and 59 under 35 U.S.C. § 102(b), claims 4, 6-7, 9-10, 40, 42, 44 and 46 having been canceled.

Reconsideration is respectfully requested of the rejection of claims 24-26, 34-35, 60-62 and 65 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,620,655 ("Ha"), claims 27, 30, 32-33 and 63 having been canceled. Applicants respectfully submit that amended claims 24 and 60 and the claims dependent thereon are not anticipated by Ha.

Applicants respectfully submit that Ha does not disclose the limitations of amended claims 24 and 60, especially a color filter layer that has a first thickness in a first area corresponding to a predetermined portion of the first electrode and a second thickness thinner than the first thickness in a second area corresponding to the second electrode. See, e.g., Figs. 11A-11B (elements T1-T4) of Applicants' disclosure.

Therefore, Applicants respectfully submit that independent claims 24 and 60 are

not anticipated by Ha and are in condition for allowance.

Also, claims 25-26 and 34-35 and claims 61-62 and 65 respectively depend from claims 24 and 60, which, for the reasons stated hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 25-26 and 34-35 and claims 61-62 and 65 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 24-26, 34-35, 60-62 and 65 under 35 U.S.C. § 102(e), claims 27, 30, 32-33 and 63 having been canceled.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claims 16 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Kubo in view of U.S. Patent Publication No. 2003/0071944 ("Baek").

As argued above, Applicants respectfully submit that Kubo does not expressly or inherently disclose the second electrode electrically connected to the first electrode in the window, as recited in independent claims 1 and 37. Further, the addition of Baek does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claims 1 and 37, and that it would not have been obvious to modify Kubo, in view of Baek, to develop same.

As such, Applicants respectfully submit that claims 1 and 37 are patentable over Kubo in view of Baek. For at least the reason that claim 16 depends from claim 1 and

claim 52 depends from claim 37, claims 16 and 52 are also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claims 16 and 52 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claims 28, 29, 36 and 64 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Kubo.

As argued above, Applicants respectfully submit that Ha does not expressly or inherently disclose a color filter layer that has a first thickness in a first area corresponding to a predetermined portion of the first electrode and a second thickness thinner than the first thickness in a second area corresponding to the second electrode, as recited in independent claims 24 and 60. Further, the addition of Kubo does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claims 24 and 60, and that it would not have been obvious to modify Ha, in view of Kubo, to develop same.

As such, Applicants respectfully submit that claims 24 and 60 are patentable over Ha in view of Kubo. For at least the reason that claims 28, 29 and 36 depend from claim 24 and claim 64 depends from claim 60, claims 28, 29, 26 and 64 are also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claims 28, 29, 36 and 64 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of U.S. Patent Application

Publication No. 2003/0030768 ("Sakamoto").

As argued above, Applicants respectfully submit that Ha does not expressly or inherently disclose a color filter layer that has a first thickness in a first area corresponding to a predetermined portion of the first electrode and a second thickness thinner than the first thickness in a second area corresponding to the second electrode, as recited in independent claim 24. Further, the addition of Sakamoto does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claim 24, and that it would not have been obvious to modify Ha, in view of Sakamoto, to develop same.

As such, Applicants respectfully submit that claim 24 is patentable over Ha in view of Sakamoto. For at least the reason that claim 31 depends from claim 24, claim 31 is also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 31 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claim 66 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Baek.

As argued above, Applicants respectfully submit that Ha does not expressly or inherently disclose a color filter layer that has a first thickness in a first area corresponding to a predetermined portion of the first electrode and a second thickness thinner than the first thickness in a second area corresponding to the second electrode, as recited in independent claim 60. Further, the addition of Baek does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claim 60, and that it would not have been obvious to modify Ha, in view of Baek, to develop same.

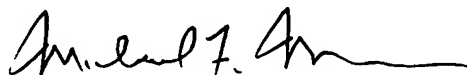
As such, Applicants respectfully submit that claim 60 is patentable over Ha in view of Baek. For at least the reason that claim 66 depends from claim 60, claim 66 is also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 66 under 35 U.S.C. §103(a).

NEW CLAIMS 67-78

Applicants respectfully submit new claims 67-78 for consideration and that new claims 67-78 are patentable over the cited references.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner telephone may Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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